

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DONNY SINKOV, as Administrator of the Estate of Spencer E. Docket No.: 07-CIV-2866
Sinkov, deceased, DONNY A. SINKOV, and HARA SINKOV, (CLB)

Plaintiffs,

NOTICE OF MOTION

-against-

DONALD B. SMITH, individually and in his official capacity as Sheriff of Putnam County, JOSPEH A. VASATURO, individually, LOUIS G. LAPOLLA, individually, THE COUNTY OF PUTNAM, New York, and AMERICOR, INC.,

Defendants.

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PLEASE TAKE NOTICE that, pursuant to Rules 12(c) and 56 of the Federal Rules of Civil Procedure, and the Individual Practices of the Honorable Charles L. Brieant, upon the accompanying Declaration of Adam I. Kleinberg, dated May 6, 2008, all of the exhibits annexed thereto, the accompanying Statement of Undisputed Facts Pursuant to Local Rule 56.1, and the accompanying Memorandum of Law, defendant DONALD B. SMITH will move this Court, before the Honorable Charles L. Brieant, on Friday, June 13, 2008, at 10:00 a.m., at the United States District Court for the Southern District of New York, located at 300 Quarropas Street, Room 218, White Plains, New York, or as soon thereafter as counsel may be heard, for an Order dismissing this action as against defendant DONALD B. SMITH and for such other and further relief as the Court deems just, equitable and proper.

Dated: Mineola, New York
May 6, 2008

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